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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/016,628	12/17/2001	Toru Shirasaki	SH-0028US	4082
21254	7590	08/11/2004	EXAMINER	
MCGINN & GIBB, PLLC 8321 OLD COURTHOUSE ROAD SUITE 200 VIENNA, VA 22182-3817			BARRECA, NICOLE M	
			ART UNIT	PAPER NUMBER
			1756	
DATE MAILED: 08/11/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

AS

**Office Action Summary**

Application No.

10/016,628

Applicant(s)

SHIRASAKI, TORU

Examiner

Nicole M Barreca

Art Unit

1756

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
 Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 11 May 2004.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) 22 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-21 and 23-25 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

### **DETAILED ACTION**

1. Applicant's election with traverse of Group I, claims 1-21 in the reply filed on 5/11/2004 is acknowledged. The traversal is on the ground(s) that the search and examination of the entire application could be performed without a serious burden on the examiner. This is not found persuasive because the search for Group I is not required for Group II. In addition to the subclass that the claims are classified in, there are numerous other subclasses required to be searched for each group of claims. Searching all of these subclasses would be a serious burden on the examiner.

The requirement is still deemed proper and is therefore made FINAL.

2. Claim 22 is withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected invention, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in the reply filed on 5/11/04.

### ***Response to Amendment***

3. The 35 USC 102 rejection over Nakagawa has been withdrawn in response to the applicant's amendment requiring both an upper protruding part of the pellicle frame directly contacting the pellicle film and an adhesive between the body part and the pellicle film.

### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-21 and 23-25 are rejected under 35 U.S.C. 102(b) as being anticipated by Watanabe (JP 2000-194121, English translation from JPO).

6. Watanabe discloses a pellicle having an outer frame 1 and an inner frame 2. As can be seen in figure 1, the body parts of the pellicle frames are of substantially the same height. Pellicle film 4 is joined and lined by adhesive 5 at one open end of the outer frame 1. The top of inner frame 2 directly contacts the pellicle film, thereby corresponding to the upper protruding part or a first portion. The other end of the open end 1 is joined by adhesive 5 to the pattern surface of reticle 3. The opposite end of inner frame 2 directly contacts the reticle 3, corresponding to the lower protruding part. See the abstract and figure 1 and 3. It can be seen that the first portion or upper protruding part (i.e. portion of inner frame 2 which contacts the film) is contacted to the part of the frame contacted to the adhesive (including portions of frame 2, frame 1 and connecting members 9 and 10). These parts of the frame thereby correspond to the second portion.

### ***Response to Arguments***

7. Applicant's arguments filed 5/11/04 with respect to the Watanabe reference have been fully considered but they are not persuasive. The applicant argues that Watanabe does not teach or suggest that the upper protruding part is on an upper end of the body part that protrudes upward from the upper end of the body part. However the examiner disagrees since it can be seen from figure 1 that there clearly is an upper protruding part on the upper end of the inner frame 2 or body part and that it protrudes upward

from the upper end of the body part. Please note that the examiner never said that the body part corresponded to outer frame 1. See the preceding rejection where it was said that "the **body parts** of the pellicle **frames** are substantially the same height". With respect to claim 19 the applicant argues outer frame 1 does not contact inner frame 2. However this is not correct. Connecting member 9 joins outer frame 1 to inner frame 2, as does adjustment pore material 10, as taught in the abstract and [0022]. Also please note that original claim 19 did not claim that the second portion contacted the first portion.

#### ***Conclusion***

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

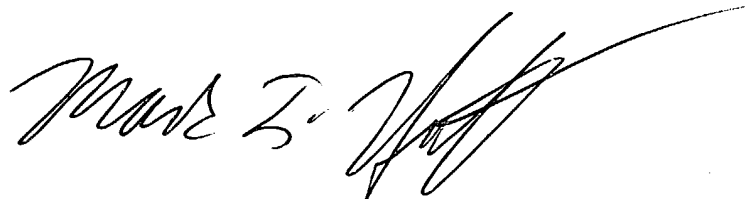
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nicole M Barreca whose telephone number is 571-272-1379. The examiner can normally be reached on Monday-Thursday (9AM-7PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mark Huff can be reached on 571-272-1385. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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8/6/04  
nm



MARK F. HUFF  
SUPERVISORY PATENT EXAMINER  
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